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Job Interviews Increase, Placement Progress Noted

About this time every fall, third year students discard their baggy chinos and open collars in favor of neat herringbone suits and thin-striped ties. The proverbial "best foot" forward, they begin a series of frequent visits to 23 Everett Street, hopefully searching for employment for future years.

Things were not always so convenient. Even as late as 1948, job-finding for graduating seniors was pretty much an individual project. The Law School offered little help, although immediately after the war little seemed to be needed. The lawyer produced by the first few classes were eagerly received by firms under-nourished by the war years. Soon, however, demand subsided, and in late 1948 it appeared desirable for the Law School to establish some sort of systematic placement program.

It was then that the Placement Office was established as a separate entity. At first its activities were only casual, and the office did little more than summon a hand-

be the firm who comes to the student, and not the other way around.

This increase in activity has made it necessary for the Placement Office to institute a fairly formal and regular system. During the Spring, at preliminary registration, each second-year student fills out an information card, to aid the staff in keeping track of his interests. Later, during his senior year, each man is scheduled for an interview with Mr. Peck, or Miss Eleanor Appel, the Placement Secretary. The office thus has some first-hand knowledge of the "product" it will soon be selling to prospective employers.

Letters to Firms

During the summer, Mr. Peck's staff communicates with firms showing an interest in Harvard Law School graduates, sending them information on the School's placement services. As interviewing dates are requested and scheduled by firms, notices are posted on the bulletin boards in Langdell and Austin, with a request that interested students sign up by such-and-such a date.

Frequently the number of interested students far exceeds the time available, and the choice then is usually by lot among those who have expressed a desire to locate in the particular area, or practice the specified specialty, if there is one. The number of interviews a student has already had may also have some effect on whether the office will be able to fit him into its crowded schedule.

Many men have the mistaken belief that job offers come at the first interview or not at all. Mr. Peck emphasizes that such a commitment would indeed be the exception, and in fact would usually be unwise for both the visiting firm and the student. With appropriate apologies, he compares the first interview to a "blind date," at which, to be sure, a proposal is hardly ever forthcoming. Even if it is a case of love at first sight, offers to make the relationship more permanent usually come only after affections have had time to (See PLACEMENT on page four)



Russell H. Peck

ful of students on the infrequent occasions when lawyers came to interview prospects. Today, six people, under Russell H. Peck, LL.B. '50, work overtime to make sure that approximately 120 interviews daily take place without mix-up. Four special rooms are no longer adequate for the scheduled interviews, so nearby store-rooms or cubicles must often be pressed into service.

Old Grads Comment

Graduates from older classes, coming to conduct interviews, frequently remark how much things have changed since their day. Lawyers used to stay in their offices, speaking only occasionally, and even reluctantly, at times, to law students coming around to look for jobs. Today the attitude has changed, and especially the larger law firms make periodic visits to those law schools whose graduates might interest them. At least initially it may well

Decision Extends Court Photo Bar

The Pennsylvania Supreme Court has broadly interpreted the principle underlying Canon 35 of the Canons of Judicial Ethics. Deciding *In re Mack* on October 5th (25 U.S. Law Week 2163), the court (Justice Musmanno dissenting) upheld contempt convictions of photographers who had surreptitiously taken pictures of a convicted criminal as he was being escorted to the courtroom for sentencing.

The defendants insisted that they were not guilty of taking photographs within the courtroom, which is barred by Rule 223 of the Pennsylvania Rules of Civil Procedure. But the court cited *Ex parte Savin*, 11 U.S. 267 (1889), in holding that a court, while in session, is present in every part of the place set aside for its use, and is not strictly confined within the four walls of the courtroom.

Forty-five Electoral Votes?



Daniel J. Gifford, 2L of Utica, N. Y., obtains information on absentee balloting from Robert A. Woods, 2L of Beverly and Carol Simon, 1L of New York City, representatives of the Law School's Students for Stevenson.

Field Wins Defense Verdict After Six Hour Model Trial

At midnight last Thursday the jury in the eighth annual Mock Trial returned a verdict for the defendant in *Brumbaugh v. Artcraft Pictures, Inc.* In registering his fifth win in these proceedings, Professor Richard H. Field overcame not only James D. St. Clair, LL.B. '47, but a long standing jinx as well. The defendant has never won before in the Mock Trials.

More than five hundred first year men filled the James Barr Ames Courtroom to view the trial, presided over by John V. Spalding, LL.B. '23, Associate Justice of the Massachusetts Supreme Judicial Court.

After his initial remarks to the jury, Mr. St. Clair outlined the plaintiff's case, and called his client as first witness. Brumbaugh testified that he saw an advertisement in a newspaper offering \$100,000 to anyone who could prove that Craig Bilder did not do all the stunts in the film *Son of the Midway*, and that subsequently Lockwood Heath mentioned to him that he, Heath, had performed some of the stunts.

Telephone Call

Brumbaugh then recounted how he had called Artcraft Productions, sponsor of the advertisement, and told a Miss Coke that he had proof that Bilder did not do all the daring feats. Miss Coke told him this was ridiculous, and she then hung up. After Artcraft replied by letter denying there was ever an offer, plaintiff hired counsel and brought this action for breach of contract.

Next to take the stand was Lockwood Heath. He testified that he had been fired by the defendant after the plaintiff made the demand on Artcraft. At Mr. St. Clair's request an automobile stunt sequence from the film was shown in the courtroom.



John V. Spalding

Heath identified himself as the person in the film.

At this point the plaintiff rested, and the court recessed for dinner. The trial resumed at 8:00 P.M. and Professor Field presented the defendant's case. His first witness was Miss Coke. She said she had devised the advertisement. When the

plaintiff telephoned her, she thought he was a crank, told him Bilder did in fact do the stunts, and that the offer was revoked in any case. She further testified that when Heath was called into her office, he said he did not believe he appeared in any of the stunts in the film.

After summations by opposing counsel, Judge Spalding delivered his charge to the jury. He ruled that there was a valid unilateral offer, and that the phone call did not constitute acceptance. Judge Spalding further instructed the jury that to find for the plaintiff they must decide that Miss Coke did not revoke, and that the plaintiff proved Bilder was not in the automobile scene.

Floridians to Vote on Apportionment, Inequitable Representation Is Feared

Florida voters next week will find on their ballots a proposed amendment to the state constitution which would re-vamp the apportionment of the state senate. On its face it might seem to broaden the base of popular representation, for it increases membership in the upper house from 38 to 67.

But another provision requires that each county elect one, and only one, senator. A glance at the 1950 census tables will reveal the importance of this. Dade County (Miami), with 495,084 inhabitants, would elect one senator. Liberty County, in rural North Florida, would return one senator also, to represent a population of 3,182.

A situation such as this would not be unique by any means. Most of the state Legislatures are inequitably apportioned to one degree or another. Writing in "Unrepresentative States" (44 National Municipal Review 571) Professor Manning J. Dauer and Robert G. Kelsay of the Political Science Department of the University of Florida said, "[A] legislature which does not equitably represent the people of the state contains an innate weakness which limits the effective functioning of that government on many types of problems." (At p. 571).

When state representative assemblies are listed on the basis of the smallest percentage of a state's population which could theoretically elect a majority of each house, there are some surprising results. The Massachusetts Senate on this basis is most equitably apportioned. It would take almost a majority of voters to elect a majority

Co-ed Reports:

Women Meet Test at HLS

"There are at least two distinctive features about being a female law student in the classroom," Ruth Joseph, 3L of New York City told a group of the Class of 1926 meeting at the Hotel Commander on October 12th. "A different kind of silence greets a girl when she is first called upon in class to recite. What's more, she can't cut class or hide in the back of the room without being noticed."

Contrasting the situation now, when 2% of the student body is made up of women, with the situation in 1926, when women were not even allowed in the classroom or the Law Library, Miss Joseph stated that she felt the woman student has made her place in the Law School, and is here to stay.

"In other respects," Miss Joseph told the 30th Reunion group, "the entering woman law student finds Harvard a very happy experience." Miss Joseph mentioned the annual sherry party given by the upper-class women and the buffet dinner given by Dean Griswold as examples of the special efforts intended to make the student feel at home.

Miss Joseph continued by saying that the life of a woman student is not a lonely one, since all the activities of the Law School are open to her. Because of the "interesting ratio" between men and women at the Law School, she said, the woman student never lacks dates.

Assuring the alumni that almost every woman who enters Harvard expects to make law her career, Miss Joseph explained that the big problem of the lady student is getting a job. Many firms, she reported, refuse to hire women on the grounds that they will soon marry, or that the firm's clients will not approve.

Countering this argument, she said, "In some cases, a woman is a better risk for a law firm. Most women have had to think out their goals and aims in life more carefully than their male contemporaries, to whom graduate school is routine."

of senators, since the smallest senatorial district holds 92,216 inhabitants, while the largest has 164,334 residents.

This range is as nothing compared to California. There, 14,014 persons live in the smallest senatorial district, 4,151,687 in the largest; theoretically, 12% of the voters could elect a majority of the California upper house.

Situation Worse

Discussing these figures, Professor Dauer and Mr. Kelsay note that "a comparison . . . with . . . 1937 shows that the situation is growing worse in most of the states." (At p. 573).

When the lower houses of state legislatures are considered, the situation becomes in many cases absurd. The most fairly apportioned seems to be South Carolina, whose districts range in size from 9,577 to 23,173. New York ranks 23rd in the nation, ranging from 14,182 to 167,225. Connecticut has the widest range of all, with the exception of Vermont, which is a special case. In one district of Connecticut, 88,699 persons elect one representative; in another district, 130 elect a representative.

(See APPORTIONMENT on page three)

Alimony: An Unknown Area

Public disrespect and professional confusion are sad words to use to describe the American legal atmosphere enveloping alimony. Yet those words must be used. Tabloid standards of newsworthiness and reporting, and occasional burning articles in the popular magazines "exposing" "unjust legal nets" for husbands have achieved the disrespect; the disregard of the legal profession for studying the alimony field comprehensively prolongs the confusion.

The very complication of alimony law today should suggest to the observer that the social changes which the loudest popular outcries champion are in fact bringing the law to conformity with modern standards. Who is to spell out this fact? The men of the law are best qualified. Yet, of all the five million volumes in the Harvard libraries, there is not one which was written to deal with this problem.

There is a wealth of reported cases, statutory text, textbook sections describing the functioning of alimony law, and law review articles clarifying particular decisions. But only the Spring, 1939, issue of *Law and Contemporary Problems* attempts a responsible, comprehensive social comment and analysis.

This dearth of criticism is no fault of the Harvard libraries, for a check of the book and the periodical indices fails to disclose more than an average handful of periodical pages published per year on all aspects of alimony, and two books of criticism in the last quarter-century: *Divorce and Alimony: Is There a Way Out?* by J. G. Lipkin (1936) and *Alimony, the American Tragedy* by Charles Wilner (1952). Neither volume is available at Harvard.

Real Needs

There are many areas for reform in the functioning of our alimony laws. Crowded court calendars delay final decisions for years while temporary orders and injunctions rule the lives of litigating couples. The too-frequent necessity for legal fictions to accomplish justice undermines the layman's respect for law and clouds the possibility of determining proper behavior until after the court's specific decision. Persons of modest means cannot live separately on the same income.

An American Bar Association committee which investigated the field of divorce law in 1948 recommended prevention of unhealthy marriage conditions as the best answer to the "mess" of law at the divorce stage, but did not seek to cope directly with that "mess." This committee limited itself to immediate suggestions for the many non-legal groups which participated with it in the White House Conference on Family Life. Our need now, however, is for extended and publicized critical discussion which analyzes and describes precisely both mess and progress.

...and Unreal Charges

The popular writers impute to our alimony laws hypothetical injustices which could be due only to abuse of discretion by the courts. The cases in the field show no such characteristic of abuse. On the contrary, the punitive concept of alimony, nationally condemned, is rapidly dying, and courts and statutes recognize more and more the social and economic equalization of right and liability which our society is in agreement should be accorded men and women.

In 1939 fifteen American jurisdictions permitted "alimony" to be granted husbands upon decrees of absolute divorce and seven jurisdictions permitted "alimony" to be granted them upon separations. Thirty-four jurisdictions gave statutory sanction to judicial discretion over periodic revision of alimony decrees: previous to such enactments, alimony arrangements could not be modified after final absolute divorces, regardless of the economic inequities changes in fortune might work on husbands.

In 1930, the latest year for which such specialized data is available, Ohio husbands won one-twelfth as many alimony-in-gross decrees as did wives, and one-seventh as many other beneficial decrees. Far from being judged on the disproportion, these figures should be taken as representing the inroads on complete male liability which had been made. It is to be hoped that the twenty-six years which have since elapsed have witnessed reform in the same direction on a scale and at a pace matching the incredible swiftness with which other societal changes have come during the same period.

Those members of the bench and bar who are fortunate enough to have available to them the ability and the informational resources to find and furnish the public and the profession with the facts face a moral duty to see that the job is squarely undertaken and fairly done.

Current Case Comments

To what extent may the United States act as the trustee of a charitable trust without incurring the obligations of review that a private person must assume as a trustee? This was the question faced by the Court in *Edgeter v. Kemper*,—Probate Court, Montgomery County, Ohio, 136 N.E. 2d 630 (1955).

On Dec. 21, 1950, George C. Edgeter died leaving the plaintiff, Helen Edgeter, as his sole heir-at-law. In his will Edgeter stated a desire that, "the sister (the plaintiff) . . . shall not receive one cent from my estate, on account of having made my life miserable for the past 25 years . . ."

In item 5 of the will Edgeter left his residuary estate to the United States, "for a permanent fund, the interest of said fund to be used for the relief of various tribes of indigent American Indians . . ." In item 6 there is a provision that if the United States refuses the fund, that the executor of the estate shall turn the estate over to a bank with provision that the money be invested in U.S. government bonds and the interest constitute a permanent fund, "for the sole benefit of indigent American Indians."

This suit was brought by the sister against the executor to have the provisions of the will establishing the "permanent fund" declared "inexpedient, impractical, and invalid" to constitute a valid trust and that the residuary estate be awarded to the heir-at-law. In answer to this, the United States, through the Attorney General at the authorization of the Secretary of the Interior, joined by the Attorney General of Ohio, entered as party defendants. They filed briefs holding that the fund was valid as created, that the United States has authority to take, and that the trust as created should stand.

Charitable Not Private Trust

The first problem before the Court was whether the testator created a valid private or charitable trust. The Court admits that if the trust is to be considered as a private one, the class of beneficiaries is too vague to let it stand. It would also fall as contrary to the Rule Against Perpetuities (at 635).

The court interprets the intention of the testator as leaving his money, not for the aid of indigent Indian Tribes, but for American Indians who are members of Tribes (on the Secretary's list) and are indigent (at 635). The Court then holds that the charitable trust here will be considered valid since, "it is sufficient if the instrument states the purposes of the charity in general terms and designates the beneficiaries . . . leaving it to the trustees the duty of selecting the individuals of the class who will actually receive the benefits . . ." (at 636).

The second question that was presented was whether the Government may act as the trustee of a charitable trust. Love, J., holds that, "in the

absence of a statute otherwise providing, personal property may be bequeathed to the United States in trust for charitable purposes, providing the purposes are within the powers conferred upon the federal government by the Constitution . . ." (at 638).

Judge Love also notes that by virtue of Title 25, U.S.C.A. § 451, the Secretary of the Interior is authorized to accept contributions, or property, "for the benefit of" Indian institutions or individual Indians. The Court then reviews the relationship between the United States and the Tribes and finds that, "since the Nation's inception, it has been the Federal Government which has regulated Indian affairs almost exclusively." He therefore held that the United States could act as trustee. (See, generally, 27 Am. Jur., *Indians*, §§5, 42).

U. S. Not Subject to Probate Court

Up to this point in Judge Love's decision no one could take any real issue with any of his conclusions. A grave problem, however, now arises which deserves consideration. The Judge states the premise in this way:

[The Court] is nevertheless cognizant that the textwriters and cases are quite emphatic that such trusts are not enforceable in the Courts of the United States, unless, of course, the Government consents to be sued. . . . While the United States as trustee cannot be sued, this is merely an impediment to the enforcement of the cestui's rights, but is no bar to the creation of the trust.

Since no trust will fail for want of a trustee, the Court must face squarely the question whether or not in exercising sound discretion, it may refuse to appoint the United States government as trustee. The determination of this question must turn on a fundamental principle of law, the jurisdiction of this Court. (emphasis added, at 640).

§2109.01 R.C.O., §10506-1 G.C.O., defines "Fiduciary" as any "person, association, or corporation appointed by and accountable to the probate court." The court held that since it bears in mind the doctrines of separation of powers between the federal and state governments, the United States is not included in the definition.

"To reach a contrary conclusion would attribute to the General Assembly an intention that the Federal Government should be subject to the direction of the Probate Court . . ." (at 640)

The Court, therefore, concluded that since the trust was valid as created, the United States may embark on the administration of the trust without receiving a letter of appointment. By this holding the Court gives up any control over the actions of the Secretary in the administration of the estate.

The United States has in recent years extended

Gallery



A. CECIL SNYDER

Chief Justice, Supreme Court of Puerto Rico

Contrary to the traditional conception of Judges as godlings who launder the souls of mankind, the affability of Chief Justice A. Cecil Snyder instantly snuffs out formality. This is the first impression received after greeting the Chief Justice in the spacious office of the magnificent Puerto Rican Supreme Court building dedicated last February.

Frequently joking about his non-judicial appearance, he recounts the story of meeting his father shortly after being appointed to the Supreme Court of Puerto Rico in 1942 at the age of 34. He was told by his father, "I wouldn't have appointed you to the bench because you don't look like a judge, you look like a shortstop on a semi-pro team." Whereupon the son replied, "But I am a southpaw and who ever heard of a left-handed shortstop?" Mr. Snyder Senior immediately countered, "That's exactly what I mean."

Appointed U. S. Attorney General

Appearances, goes the cliché, are often misleading. After receiving his LL.B. from Harvard in 1930 and practicing for several years in New York and Baltimore, he was appointed U. S. Attorney General for the District of Puerto Rico and held

that position from 1933 to 1941. During that period he was engaged in prosecuting Pedro Albizu Campos LL.B. '21, leader of the militant Nationalist Party. Mr. Albizu was no mere idealistic advocate of violent overthrow of the government. His followers were actually shooting.

As Chief Justice of the Supreme Court, a post which he has held since 1953, Justice Snyder also acts as administrator for the entire integrated Puerto Rican judicial system described by Justice Vanderbilt as "The New Jersey system with improvements." Judges can be assigned either permanently or temporarily "upwards, downwards and sideways" in the judicial hierarchy to utilize respective talents and prevent serious backlogs from developing.

Bi-lingual Reports

Supreme Court cases are written in Spanish by other Puerto Rican born members of the Court and then translated into English. Mr. Snyder, on the other hand, writes his opinions originally in English and then personally supervises their Spanish translation. Thus the bilingual volumes of the Puerto Rican Supreme Court Reports symbolize the utilization of both civil and common law principles.

One experience of Chief Justice Snyder is truly unique. He has often served as acting U. S. District Judge. This practice is an outgrowth of the days when transportation to the mainland was so time consuming that vacancies due to death, vacations and sickness were often filled by Justices of the Supreme Court of Puerto Rico.

Active in Many Positions

The Chief Justice has been active in many other capacities and frequently lectures throughout the nation. Among other positions, he was co-chairman of the Appeals Committee of the National War Labor Board during the early part of the war, has served for nine years as a Commissioner on Uniform Laws from Puerto Rico, is in the House of Delegates of the ABA representing Puerto Rico, and, on Dean Griswold's nomination, was elected this year as a Fellow of the American Academy of Arts and Sciences.

Consistently enough, Chief Justice Snyder is married to a lawyer and has one daughter attending Goucher College as a Ford scholar.

—Nader

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itself more and more into everyday activities. As the expansion of federal sovereignty continues, by necessity, the powers of the States over their own affairs must diminish. In this case, the Court itself pointed out that the United States cannot be sued (because of lack of sovereign's consent) in a Federal Court as a trustee. (cf. 2 Bogert, *Trust and Trustees*, § 328, page 485, 486, and 1 *ibid.* 546, 547). The Court also found considerable difficulty in holding that a trust had been validly created in the first place. The class of beneficiaries involved here is not truly ascertained and the cestui's ascertainment will require considerable discretion on the part of the government-trustee.

It would seem that if any general class of beneficiaries needs the protection of a probate court, this diffuse class does. By allowing the United States to take the residuary estate without letters of appointment, the Court has allowed property then located within the State to be disposed of either within or without the laws of Ohio and applied to an end known only to the Secretary—all at the sole and unfettered discretion of the Secretary of the Interior. The United States has, by this discussion, extended its powers again into a phase of everyday life without the protections that every State has thought necessary to provide to beneficiaries—as the Indians in this case.

Should be Reviewed

The Court was not forced to find that the United States was not a "person" within the meaning of its jurisdictional statute. Some cases have recognized that when the United States acts in respect to Indian matters it acts as an individual, not necessarily as a sovereign. (See, generally, decisions relating to the duty of the Secretary to pay interest on bonds held in trust by him under 25 U.S.C. § 160, *Blackfeet v. U. S.*, 28 Ct. Cl. 447 (1893), 20 *Op. Atty. Gen.* 517 (1893). The Government was not required to accept this trust.

However, there are special historical and political relationships between the United States and the American Indian tribes. There may be some question, therefore, as to whether or not the court would have so held if an "Indian Trust" were not involved.

It is, of course, also recognized that a State court does not have jurisdiction over the United States as a sovereign. And that furthermore, if the United States were taking as a sovereign, the holding in this case is undoubtedly correct. Our contention is that the court here could have found that an agency of the United States was taking as trustee and, by extension of the reasoning and line of cases holding state and municipal corporations exempt from sovereign immunity when acting in a "private" or "business" capacity, the Secretary of the Interior would be required to receive such letters of appointment.

The holding of the court in *Edgeter* concerning its purported lack of jurisdiction over the United States may still become *res judicata* in Ohio and have some authority in other states. In the more difficult case of real property becoming the *res* of the trust and the beneficiaries being citizens instead of wards, it would appear that the court may find itself without jurisdiction to administer and control such a trust.

If the United States in this case wished to act as trustee, it is hard to see why it should be exempted from the fiduciary obligations of any individual trustee holding property of Ohio. This case should be reviewed.

—Chazen

NEWS IN BRIEF

LEGISLATIVE RESEARCH

After a competition which involved the drafting of a statute, fifteen second year men have been elected to membership in the Legislative Research Bureau. According to Ruth H. Joseph, 3L of New York City, the project involved drafting a law creating effective penalties for gambling on pinball machines.

Those selected were Louis Altman of Weehawken, N. J.; Alan E. Boroff of New York City; James M. Brachman of Milwaukee; Hartley J. Chazen, Arthur N. Field, Michael O. Finkelstein, and Jack B. Helitzer, all of New York City; and Robert C. Johnston of Highland Park, N. J.

Also Ronald D. Jones of Cambridge; Peter D. Junger of Calgary, Alberta; Malcom McCartney, Jr., of Topeka, Kans.; Daniel G. Partan and Gerald H. Sherman of New York City; Paul H. Tobias of Cincinnati, and Michael L. Weissman of Highland Park, Ill.

LAW WIVES

On Wednesday, October 31, Lawrence K. Frank will speak to the Law Wives on "The Prospects For Modern Marriage." Mr. Frank is a well-known author and has made several studies on family relations. The meeting will be held in the Large Meeting Room of Harkness Commons at 8:00 p.m.

POLIO SHOTS

The Law School Clinic has announced that Salk polio shots will not be administered during the month of November. Shots are still available this month at the Clinic in Austin Hall at a cost of \$1.00 each, or a total of \$3.00 for the series.

SOUTHERN CLUB

The Law School Southern Club will be host to the Wellesley Southern Club this afternoon at 4:00 in the Wheeler Room of Holmes Hall. Club president Maxwell H. Bloomfield III, 3L of Galveston, Tex., has announced that refreshments will include the club's traditional apple cider and vodka punch.

TREASURE ROOM

Ernest H. Breuer, LL.B. '29, Law Librarian of the New York State Public Library in Albany, has collected legal cartoons from the pages of the *New Yorker* for twenty years. A selection of these will be on display in the Treasure Room of Langdell until November 1st.

Entitled "The Profession as She Is Practiced," the group is divided into three broad topics depicting the jury, the witness, and "Counselor and Client."

Rackets Restrung

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APPORTIONMENT

(Continued from page one)

As noted, Vermont is a special case. The last apportionment of the Connecticut House of Representatives was in 1876, but Vermont has had no reapportionment of its lower chamber since 1793. The result is as extreme a rotten-borough situation as anywhere. The largest house district comprehends 33,155 inhabitants. The smallest — the town of Glastonbury — had exactly one inhabitant at the last count. Fortunately, the smallest town actually represented is Victory, with a population of 49.

The inequities are plain enough, but the remedies are not so clear. In his first message to the New York State Legislature on January 5, 1955, Governor Harriman recommended "the initiation of a constitutional amendment to remedy the injustices of our present apportionment system," by making representation conform to population.

Under the present system in New York, adopted in 1953 pursuant to the 1894 State Constitution, each county except Hamilton must have at least one assemblyman. 77 assembly seats are first assigned to the state's 45 counties; the remaining 73 assembly seats are then apportioned by population among the larger counties. As a result, New York City, with 52% of the state's population in 1950, rates only 43% of the assemblymen.

Political Implications

The "Democratic Plan," approved by Governor Harriman and advocated by the Democratic minority in the legislature, would provide simply that the state be divided into 150 assembly districts of equal population, with certain minor exceptions to prevent parts of counties being combined.

Apportionment obviously can have great impact on state politics. In Connecticut, the lower house is apportioned by "towns" on an 1876 plan. The upper house is apportioned each decade on the basis of population. Democrats control the Senate, 19-16. Republicans control the House, 184-92. In all such cases, the legislators who would stand to lose out by reapportionment are unlikely to assent to any legislation which might change the *status quo*.

This reluctance of members to endanger their own seats or to yield control of their house to another party has on occasion led to their ignoring a clear mandate in state constitutions.

The Alabama Constitution of 1901 provides "It shall be the duty of the legislature . . . after each . . . census, to fix by law the number of senators, and to divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be." (Art. IX, sec. 199).

The legislature has never performed this constitutional duty; senators are elected from districts which have not been altered in 55 years. In 1950 an appellant asserted that since the legislature had failed to perform its duty in 1911, all its acts subsequent to that year were void, including the statute under which he was convicted. The state Supreme Court replied that "the grounds asserted are vague and

uncertain, or frivolous, or mere conclusions of the pleader." *Wyatt v. State*, 35 Ala. App. 147, 46 So.2d 837.

This reluctance of the courts to become involved in perennial apportionment battles renders some state remedies of questionable value. New York and Arkansas allow redistricting plans to be challenged in the courts, but results have not been altogether satisfactory.

Court Action

The courts did step into one case recently. In 1951, the Wisconsin legislature passed the Rosenberry Plan, designed to reapportion the state legislature on a population basis. A year later, however, it submitted an advisory referendum to the voters asking whether districts should be set up on an area-population basis. This was rejected in the November, 1952 election, 753,092-689,615.

The "area-crafts" were undaunted. A few months later the legislature resubmitted the question as a constitutional amendment in a somewhat rephrased form. At an off-year election the area-population plan passed 433,043-406,133. The Wisconsin Secretary of State announced that he would disregard the new amendment and recognize the Rosenberry Plan with its population provisions. The state Supreme Court was finally called upon to settle the dispute, and concluded that the area-population amendment was improperly adopted, and was invalid. *State ex. rel. Thomson v. Zimmerman*, 264 Wis. 644, 60 N.W.2d 416 (1953).

Professor William H. Young, Chairman of the Department of Political Science at the University of Wisconsin, commented "[The court] did this in a field of legal controversy in which courts have traditionally supported legislative intentions, however grossly these may have departed from the letter and the spirit of the constitutions which govern them." ("Court Settles Apportionment," 1955 Wis. Law Rev. 125.)

Some states assign the task of apportionment to non-legislative bodies composed of officials elected on a state-wide basis. In Missouri, such a group has initial responsibility for redistricting; in Illinois, it may step in whenever the legislature fails to act.

Arizona Plan

The most promising, albeit unique, remedy is that of Arizona. There, each county may elect one representative to the state House of Representatives for each 2,500 votes or major fraction thereof cast in that county at the preceding gubernatorial election. Districts within counties having more than one representative are delineated by the County Board of Supervisors.

This flexible system, based upon actual participation of the citizens in their state government, contrasts with the apportionment of Delaware. There, districts were frozen under the state's 1897 constitution, and can be changed only by the unwieldy process of constitutional amendment.

The problem is plain enough. And whatever may be the means of reform, it can be accomplished only by the very legislative bodies sought to be reformed. Thoughtful citizens who are concerned over the decline in effectiveness of their state representatives might look to see whether they truly are representative. They may well also consider whether this is one factor causing the decline in state power in favor of federal authority.

—Oliver

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THE
COOP

Job Interviews Increase, Placement Progress Noted

(Continued from page one)

grow. Similarly, the visiting lawyer is understandably hesitant to commit either himself or the rest of his firm on such cursory acquaintance, and the student himself should wait to see first the other people with whom he will be associated.

Men facing military service should understand that employers may well be justified in feeling no need for hiring them at once, and even those who plan to practice soon after graduation must remember it will be almost next September before they are actually members of the Bar and ready to settle down. The employer has virtually a year to find the man he wants, and it will be only an extraordinary and spontaneous affinity that results in immediate placement.

Also frequently forgotten is the fact that law firms' needs do not arise at one time, nor do they coincide with graduation dates at the law schools. Openings occur throughout the year, so the senior who completes exams in June with no definite commitment should not for that reason begin thinking of joining the Foreign Legion.

Final Selection

Many factors enter into the final selection process. The part of the country in which a man wants to settle is important, of course, but many other considerations are relevant also. Often employers are looking for a particular background or personality. (Mr. Peck himself first met Mr. Toepfer, whom he succeeded as Placement Director, through a mutual interest in automobiles. At the time, both were driving Rolls Royces.) Nor is it unheard of for personal ties to have some influence. "Oh, are you the nephew of old so-and-so" may be the comment that eventually leads to hiring.

Students with high grades naturally have an advantage, and the time at which a man gets his job may well depend on his law school record. However, the Placement Office is quick to point out that even students with unspectacular grades will probably find a good job sooner or later. The Administration makes its feelings on the matter of grades very clear to prospective employers. "Nearly all lawyers know . . . that the performance in law school examinations is but a partial indication of a man's ability to succeed as a lawyer," a pamphlet sent to interviewing firms points out.

The Office has had experience with many classes, and relates to employers that it has seen most of the firms who say "B or better" hire C men also. For that reason the pamphlet strongly urges omission of

references to grades in notices posted for students.

Later Help

The student who must enter the army after graduation can look forward to help from the Placement Office when he becomes a civilian again. William L. Bruce, an Assistant Dean of the Law School, corresponds with many of these men, and keeps them in touch with firms which are interested. The Placement Office



Louis A. Toepfer

on many occasions gives assistance to graduates already in practice who want to move between firms, or to different geographical areas.

Summer Jobs

In the past few years, second year students have looked to the Placement Office for help in finding summer jobs. Not too long ago, such positions were comparatively rare. Courts close for the summer, clients as well as partners take vacations, and work in most big offices tends to diminish, not increase. Those who did find summer law jobs often worked for relatives, or perhaps volunteered their services just for the experience.

The situation seems to have changed. Many firms apparently feel that if they can get a few top-flight men to work dur-

ing a summer, and if the men are shown a good time, they may later decide to come to the firm permanently. The School encourages such employers to make separate visits for their summer hiring, preferably in the Spring, in order not to crowd out third year men at earlier visits.

Summer jobs by their very nature go first to students with exceptional grades. Actually, however, little is lost to those who fail to secure such employment. Mr. Peck emphasizes that these few weeks of legal experience are in no way required for later placement; most of what is learned in a summer can probably be acquired in a very short time after graduation. A summer law job is profitable from the student's point of view mainly if he has some particular interest, firm, or location which he desires to try out, and even then there are competing considerations.

For example, if money for the next school year is an object, more can usually be made at some job outside the legal field. Further, the summer between the second and third years may well be the last "free" one for many years, and it might be wise for the soon-to-be lawyer to get his fill of travel, recreation, or just plain rest while he can.

Booklets Being Prepared

Harried by a busy fall schedule of interviews, the Placement Office is still in the process of completing a pamphlet discussing many aspects of the job-hunting situation. Mr. Peck, who incidentally is kept busy with the *Bulletin*, Law School Catalogue, and Freshman Handbook (not to mention his four children), promises to complete and distribute the pamphlet to third year students as soon as possible.

In the meantime, the graduating senior can rest assured that job opportunities are good, and the Placement Office is working very hard to keep interview schedules running smoothly. Occasionally a slip-up occurs, like the time a few weeks ago when persistent questioning by the interviewing lawyer brought out an embarrassed admission that "I'm actually an intruder from a neighboring Boston law school." Generally, the Placement Office has succeeded in injecting a measure of method and intelligence into what was heretofore a hit-or-miss proposition. But the goal of each graduate getting the job he wants is still far from attainment.

—Subrin

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Book Review

THE NEGRO POTENTIAL, by Eli Ginzberg et al. Columbia University Press, 1956, \$3.00, 144 pp.

This lucid and concise monograph analyzes the barriers confronting the Negro before he can more fully take advantage of the expanding economic opportunities resulting from the steady decline of employment discrimination in the last fifteen years.

Mr. Ginzberg traces in some detail the recent development in Negro education, employment and integration within the armed forces. The findings reveal a rapid improvement in all fields especially with respect to the smooth adjustments made in the armed services. However, the achievements are still far from comparable standards among whites.

Negro children go to school for fewer years than do whites and generally receive a markedly inferior quality of education. What the authors call their most significant finding is that improvements in the Negro's position have occurred primarily as the direct outgrowth and consequence of the tremendous economic expansion and demand for labor since 1940. The Negro's higher standard of living was not primarily a result of alterations in our social and political thinking and behavior. It was, according to the authors, a product of economic necessity rather than of ideological persuasion.

Two-sided Problem

Although not underestimating the major obstacles to Negro progress from the dominant group in our society, the authors do not dwell on them. Theirs is another emphasis—the idea that "the exploitation of opportunity must wait upon the development of ability." Admittedly this stress implies a vicious circle, for one could say that proper incentive and the cultivation of ability await the creation of opportunity. However, the value of this study is the focus on the other side of the circle—namely, the changes which must occur

Expensive Expression

In the United States, the control of the judge over publicity given to the trial probably does not extend to any conduct outside of the court room, or perhaps in the court house. The rule is otherwise in England. A few years ago in the Haigh murder case, an English newspaper referred to the defendant before trial as a "vampire." Lord Chief Justice Goddard sent the editor to prison for three months and fined the company £10,000.

within the Negro community before its members are able to exploit the economic opportunities before them.

The authors are convincing when they argue that should the color barrier be eliminated overnight, the material welfare of the Negro would not be improved substantially. "Just as white men must compete with each other in terms of aptitude, education and skill, so too does this same challenge face the Negro as the artificial employment barriers which stand in his way are successively eliminated."

Emphasize Environment

The underlying assumption of the study is the belief that social environment and not innate racial characteristics determine and mold the attitudes and values developed, and that individual and not group differences are influential.

To be able to compete on an equal basis for occupations on high and low levels, the Negro population must undergo a revolution in education and aspirations. Preparation for work, Mr. Ginzberg finds, is a cumulative process that begins in earliest childhood and involves the total life of the individual. While the circular process of higher living standards improving the social environment is recognized, the book concludes that a strong responsibility rests on Negro leaders to infuse youth with incentive, hope and awareness of new opportunities.

The justifications which are given for realizing the Negro potential provide an interesting reflection of the temper of the times. We are told that the senseless waste of valuable human resources produces a lower level of national strength, "that wastage of national resources can only result in a more vulnerable security position" and the Negro population plays a crucial position in the struggle for men's minds. This is a case in point of the pragmatic requirements of our national morality.

The Negro Potential has made every sentence count and has reduced verbiage to a minimum. It shows clearly that meaningful social analyses can be written in the vernacular.

—Nader

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